

Remarks/Arguments

The present reply is made in response to the non-final Office Action of June 5, 2007, identified as part of Paper No. 20070522. Claims 1-15 remain pending in the present application.

In the Action, the Examiner rejected claims 1-3, 5, and 10 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. US2002/0113888 to Kazuhiro Sonoda, et al. (“*Sonoda, et al.*”). Claims 4 and 6-9 were rejected under 35 U.S.C. § 103(a) as obvious over *Sonoda, et al.* in view of U.S. Patent Publication No. 2003/0147002 to Lawrence A. Ray, et al. (“*Ray, et al.*”), and claims 11-13 as unpatentable over *Sonoda, et al.* in view of U.S. Patent No. 6,640,002 to Tousuke Kawada (“*Kawada*”).

I. Objections to the Specification

Applicant has amended the specification to correct the various objectionable matters, and has amended the drawing to include reference numeral 28. Reference numeral 68 was previously included in Fig. 11.

II. 35 U.S.C. § 102 Rejections in view of *Sonoda*

Independent claims 1 and 10 have been amended to recite that “wherein said lens plate, said filter plate, and said camera plate being aligned such that *radiation passing through each of said lenses passes through a respective, optically aligned one of said plurality of filters onto a respective, optically aligned one of said imagers*” and that “each of said plurality of filters that optically align with said respective one of said imagers is *user-selectively changeable*.¹” Thus, the claimed invention now recites a system where each lens is aligned with an imager, and that each filter may be selectively changed by a user. Neither of these limitations are shown in *Sonoda*. In particular, *Sonoda* discloses an imaging system including four imagers, each of

which is associated with a particular lens. The system of *Sonoda* fails to disclose the claimed user-selectable filters, and thus does not anticipate the claimed invention. MPEP 2143 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”).

III. 35 U.S.C. § 103 Rejections in view of *Sonoda* and *Ray*.

As explained above, *Sonoda* discloses an imaging system including four imagers, each of which is associated with a particular filter (one R filter, two G filters, and one B filter). *Ray* discloses an imaging system including a single imager aligned with one out of a plurality of filters mounted to a wheel. *Ray*, therefore, discloses and teaches an imaging system concerned only with a single optical axis, not the multiple optical axes that are the subject of the present invention. The proposed combination of *Sonoda* and *Ray* therefore lack the claimed multiple optical path, lens, user-selectable filters, and imagers now recited in the claims of the application. MPEP § 2143.03 (“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art”). One of ordinary skill in the art would not seek to modify *Sonoda* or *Ray* to form the claimed invention because *Ray* is not physically capable of including multiple imagers that simultaneously receive radiation through multiple filters, and *Sonoda* cannot be modified to include a user-selectable filter due to its compact, sealed, and unitary structure (see paragraphs, 0069-0070 describing sealed packaging of elements). MPEP § 2143.02 (“The prior art can be modified or combined to reject claims as *prima facie* obvious as long as there is a reasonable expectation of success”). *Ray*, in fact, would have to be radically altered to create the claimed multiple image paths of the claimed invention. MPEP § 2143.03(VI) (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the

teachings of the references are not sufficient to render the claims *prima facie* obvious").

Accordingly, the combination proposed by the Examiner does not render the claimed invention obvious under 35 U.S.C. § 103.

III. 35 U.S.C. § 103 Rejections in view of *Sonoda* and *Kowada*.

Claims 11-13 depend from claim 10 and are patentable over the combination proposed by the Examiner because *Sonoda* and *Ray* do not disclose or render the claimed invention obvious due to the lack of the multiple path, lens, user-selectable filter, and imager combination now recited in the claims of the application. Thus, the substitution of *Kowada*, or even combination of *Sonoda*, *Ray* and *Kowada*, fails to disclose all of the elements now recited in the claims.

Authorization to charge the applicable fee for a petition for a three-month extension to Deposit Account 50-1546 is submitted herewith.

In view of the amendments made herein as supported by these foregoing remarks, the Examiner's reconsideration is respectfully requested. Should the Examiner believe an interview would expedite prosecution of this application, please contact the undersigned at 315-218-8530.

Respectfully submitted,

By: 
George R. McGuire
Reg. No. 36,603

Dated: December 5, 2007

Bond, Schoeneck & King, PLLC
One Lincoln Center
Syracuse NY 13202-1355
Telephone: 315-218-8515
Facsimile: 315-218-8100